



FOR IMMEDIATE RELEASE – July 13, 2005

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Hoekstra Statement on House Intelligence Patriot Act Reauthorization Mark-Up

WASHINGTON, D.C. – U.S. Rep. Pete Hoekstra, Chairman of the House Permanent Select Committee on Intelligence, issued his opening statement after the committee passed H.R. 3199, the *USA Patriot and Terrorism Prevention Reauthorization Act*. The bill was approved by voice vote and, as amended, goes to the House for consideration.

Hoekstra's statement, as prepared for delivery, follows:

Good morning. Today the Committee will consider H.R. 3199, a bill to reauthorize the sixteen expiring provisions of the USA PATRIOT Act. Ten of those provisions dealing with intelligence and intelligence-related matters, primarily the Foreign Intelligence Surveillance Act, are within the jurisdiction of this Committee. The bill also reauthorizes two provisions of the Intelligence Reform and Terrorism Prevention Act, one of which is in the jurisdiction of the Committee.

The record in support of reauthorizing the PATRIOT Act is clear and convincing. As President Bush said earlier this week, "the terrorist threats against us will not expire, and neither should the protections of the Patriot Act." Last week's terrorist attacks in London reminded us that we cannot be complacent or let down our guard to the threat of terrorism. The rapid progress being made in the British investigation of these bombings demonstrates how critical these kinds of authorities and tools are to investigate and respond to terrorist acts. Now is not the time to "nickel and dime" the tools of our investigators.

As our Committee hearings on the PATRIOT Act amply demonstrated, it has provided vital but carefully tailored authorities to fight terrorists and spies. It has also brought changes the Deputy Attorney General described as "earth-shattering" in bringing down the wall between law enforcement and intelligence agencies.

What the PATRIOT Act has not been, either in intent or practice, is a license for the government to invade the privacy of ordinary citizens or to violate civil liberties. The Department of Justice Inspector General determined earlier this year that there had been no complaints alleging misconduct by Justice Department employees relating to use of a provision in the PATRIOT Act. Nor did our hearings in the Committee determine that there had been any actual cases of abuse of PATRIOT Act authorities.

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But our hearings did find that some fair concerns have been raised with respect to a few unintended ambiguities in the original law. The bill before us today contains sensible changes to clear up those ambiguities once and for all without compromising our investigators. I appreciate the opportunity to work constructively with the Ranking Member on these issues, and the bill addresses a number of the comments raised by the minority.

The bill includes four key reforms to Section 215 of the PATRIOT Act, which allows a judge to authorize access to certain business records. The bill establishes a relevance standard to more clearly ensure that orders are relevant to a terrorism or espionage investigation. It also clarifies that judges may modify Section 215 orders, and that recipients may obtain legal advice and challenge the order in court. Finally, it establishes a panel of judges to consider such challenges and sets forth specific procedures to do so.

The legislation also contains provisions requested by the Administration to extend the maximum duration of certain FISA orders relating to non-U.S. persons for up to a year. This portion of the bill incorporates comments from the minority and allows judges to modify the duration of the extension.

Finally, I want to point out that this bill does not expand the authorities of the PATRIOT Act in any way. Specifically, for example, it does not include provisions requested by the Administration to expand the administrative subpoena authority of the FBI. The existing authorities have been effective, reasonable, and responsible, and our efforts in the legislative process should focus on renewing those proven authorities.

I appreciate the efforts of Chairman Sensenbrenner on this critical bill, as well as the work of the Ranking Member. I look forward to a swift and smooth markup this morning.

I would like to turn to Ms. Harman for any comments she would have.